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U.S. MAGISTRATE JUDGE

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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CRIMINAL COMPLAINT

2:12-mj-00358-VCf

VIOLATION:

18 U.S.C. §2250(a) - Failure to Register

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PROBABLE CAUSE AFFIDAVIT

I, Jerome Fairweather, Complainant, as and for probable cause, state the following:

1. Complainant is a Criminal Investigator / Deputy United States Marshal assigned to the Las Vegas, Nevada Office. I have been with the United States Marshals Service for over seven years. One of my responsibilities is to investigate crimes involving individuals that are convicted sex offenders, that have failed to register as required by Title 18, United States Code, Section 2250, also known as the Adam Walsh Child Protection and Safety Act of 2006.

2. This affidavit is made in support of a criminal complaint charging Franc Cano with Failure to Register, in violation of 18 U.S.C. § 2250. 18 U.S.C. § 2250 makes it illegal for a person who is required to register as a sex offender under the Sex Offender Registration and Notification Act to fail to register as a sex offender or to fail to update a sex offender registration.

3. The information set forth below has come from either personal investigation or has been related to me personally by other law enforcement officers associated with this investigation.

4. On December 21, 2007, Franc Cano was convicted in the Superior Court of California, County of Orange Case number 07WF0879 of the charge Lewd or Lascivious Acts Upon a Child Under 14. Cano was sentenced to 3 years prison for the conviction. This conviction requires that Cano register as a convicted sex offender for life.

5. On April 17, 2012, Franc Cano, while under supervision of California Parole, cut his electronic monitoring ankle bracelet and absconded from California Parole. A fully extraditable arrest warrant was issued for Cano by the California Department of Corrections for the charge of Parole Violation.

6. On April 25, 2012, Franc Cano boarded a Greyhound bus in California under the alias name Joseph Madrid. Cano boarded the bus with Steven Gordon, also a convicted sex offender and fugitive from justice. Cano and Gordon got off the bus in Las Vegas, Nevada.

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1 7. From April 25, 2012 to May 6, 2012, Franc Cano stayed in room number 1745
2 in the Circus Circus Hotel/Casino in Las Vegas, Nevada. The room was rented in Steven Gordon's
3 name.

4 8. From May 7, 2012 to May 8, 2012, Franc Cano stayed at the Circus Circus
5 Manor Room B 2017 in Las Vegas, NV. The room was rented in Cano's name, and Gordon was listed
6 as an additional guest on the room.

7 9. On May 8, 2012, Franc Cano was arrested in Las Vegas, Nevada by Deputy
8 U.S. Marshals and Detectives from the Las Vegas Metropolitan Police Department on the outstanding
9 Parole Violation warrant from California.

10 10. On May 8, 2012, Deputy U.S. Marshal Jerome Fairweather and Senior Inspector
11 Felix Serrano interviewed Franc Cano at the Clark County Detention Center. Cano was read his
12 *Miranda* rights directly from a form USM-309. Cano confirmed that he understood his rights and
13 waived them by signing the form USM-309. During the interview, Cano admitted that he left
14 California and traveled to Las Vegas, Nevada via Greyhound bus on April 25, 2012, using the alias
15 Joseph Madrid. Cano knew that he was required to register as a convicted sex offender in Nevada, but
16 admitted that he failed to do so because he believed he would be arrested on his outstanding California
17 warrant.

18 11. From April 25, 2012 to May 8, 2012, per the Nevada Sex Offender Registry,
19 Franc Cano did not register as a convicted sex offender in the State of Nevada as required by law.

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1 12. Complainant submits that probable cause exists to charge Franc Cano with a
2 violation of Title 18, United States Code, Section 2250, for failure to register as a sex offender in the
3 State of Nevada, having been convicted under California State law of Lewd Acts Upon a Child under
4 14 and having traveled in interstate commerce from California to Nevada, and knowingly failing to
5 register and update his registration as required by the Sex Offender and Crimes Against Children
6 Registration and Notification Act.

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11 Jerome Fairweather, Deputy U.S. Marshal
United States Marshals Service

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13 **SUBSCRIBED** and **SWORN** to before me
14 this 30th day of May, 2012.

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17 United States Magistrate Judge
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